

REMARKS

In the October 28, 2003 Office Action, the Examiner:

- i. rejected Claim 6 as indefinite under 35 U.S.C. § 112 ¶ 2.
- ii. Rejected claims 1, 6-7 as anticipated by Negoro (U.S. Patent No. 5,976,731); and
- iii. Rejected claims 2-5 as obvious under 35 U.S.C. §103 over Negoro.

Applicants have amended claim 6. The Examiner's rejection of claim 6 under § 112 is now moot. With respect to the remaining rejections, Applicants respectfully traverse.

The Examiner rejected claims 1, 6 and 7 as anticipated by Negoro alleging that Negoro teaches "in the abstract, a non-aqueous lithium ion secondary battery comprising a positive electrode, a negative electrode, an electrolyte and a separator in a sealed case." Oct. 28, 2003 Office Action, ¶ 5, pg. 3. Negoro indeed teaches that the that the secondary battery is in a "sealed case." Negoro Abstract. Negoro further discloses that this "sealed case" is a "container of battery...or case..." Negoro, 2:39-50. The container is described as being a rigid container made of nickel-plated iron steel plate, stainless steel plate, ... sheets of aluminum alloy, nickel sheet, titanium sheet, or copper sheet." Negoro, 50:10-25.

Negoro does not teach a battery device sealed in "a film-state package" as recited in claim 1. Negoro's container is of the type described in Applicant's Background of the Invention as being in the prior art. See Specification, pg. 2. Negoro therefore lacks the solution to the problems described in the Background of the Invention associated with having a hard case or container.

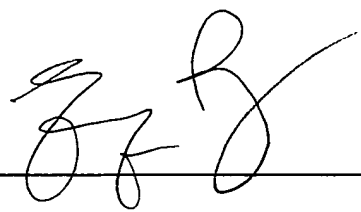
The Examiner also rejected claims 2-5 as obvious over Negoro. The Examiner does not combine with Negoro with any other reference arguing instead that Negoro is only different in that claim 2 recites a product by process that is obvious in view of the product described in Negoro. Claims 2-5 are dependent on claim 1. As set forth above, Negoro fails to teach a "film state package," which the Examiner erroneously presumed in finding claims 2-5 obvious in view of Negoro.

Applicants respectfully submit that claims 1-7 are ready for allowance.
Favorable reconsideration is respectfully requested.

Respectfully submitted,

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